

DEFICIENCY PROGRESS REPORT – UPDATE 4

January 23, 2008

CUPA: CITY OF LONG BEACH HEALTH AND HUMAN SERVICES DEPARTMENT

Evaluation Date: January 9 and 10, 2007

Evaluators: Jennifer Lorenzo, Cal/EPA
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Fred Mehr, OES
Mickey Pierce, DTSC
Francis Mateo, OSFM

Status: Deficiencies 4, 5, and 6 remain outstanding.

Next Progress Report (5th Update) Due: April 4, 2008

1. **Deficiency:** The CUPA is not classifying violations in a manner consistent with the definitions of Class I, Class II and Minor as defined in Health and Safety Code and Title 22, California Code of Regulations.

Preliminary Corrective Action by February 10, 2007: The CUPA shall begin marking all inspection reports with the classification of violation. The CUPA has self identified this deficiency as a point to improve upon. The CUPA has noted that it is preparing new inspection forms and a data tracking system that will account for the classification of violations at the time of inspection and allow for those violations to be tracked.

CUPA Corrective Action (April 9, 2007): Corrective action [is] complete. Violations were classified and a list was sent to Mickey Pierce of DTSC for comments on January 19, 2007. No comments have been received from Mickey Pierce as of the date of this report. However, the list was made available and training was provided to the HWG inspectors. Inspectors are now classifying violations on the Hazardous Waste Generator inspection reports.

Cal/EPA & DTSC Comments to April 9, 2007, Corrective Action: *DTSC accepts the CUPA's response as adequate to address the deficiency. The comments to the violation classification list were sent via e-mail to Linda Kolinski of Long Beach City CUPA on March 31, 2007. DTSC would like to remind the CUPA that violation classification is not an "absolute" as was presented in the spreadsheet provided, and that the circumstances surrounding each violation should be considered in classifying each individual violation. The spreadsheet should only be used as a guide or a starting point in considering violation classification.*

2. **Deficiency:** In FY 05/06, the CUPA failed to remit the entire state surcharge collected.

Preliminary Corrective Action by March 16, 2007: The CUPA will remit the remaining surcharge for FY 05/06 to Cal/EPA.

CUPA Corrective Action (April 9, 2007): Corrective action [is] complete. Surcharges had been remitted in a timely manner to CARB. However, Report 1 (Surcharge Transmittal Report) was not included with the surcharge check. As a result, the surcharges were not posted correctly. Report 1 [was] generated for all previous surcharge checks. In the future, all surcharge checks will be submitted with Report 1.

Cal/EPA Comments to April 9, 2007, Corrective Action: *This deficiency has been satisfactorily corrected. No further update is required.*

3. **Deficiency:** The CUPA's Unified Program Facility Permit does not contain all required permit conditions.

Preliminary Corrective Action by April 13, 2007: The CUPA will amend their Unified Program Facility Permit to incorporate the missing UST permit conditions.

CUPA Corrective Action (April 9, 2007): Corrective action [is] in progress. On January 26, 2007, a draft Long Beach Unified Program Facility Permit that includes all of the required permit conditions was forwarded to the Technology Services Department for incorporation into the CUPA permit. The CUPA permit changes are estimated to be complete by April 13, 2007.

Cal/EPA Comments to April 9, 2007, Corrective Action: *The CUPA is still in the process of correcting this deficiency. On the next status update, due on **July 9, 2007**, please provide Cal/EPA with a copy of the revised permit. Submittal of a sample revised permit will correct this deficiency.*

CUPA Corrective Action (July 9, 2007): Corrective action in progress. The CUPA's Unified Program Facility Permit now contains items 2 and 3 as referenced in the Summary of Findings dated January 10, 2007 under deficiency number 3 (see attached sample permit). However, item number 3, UST identification numbers, has not yet been implemented. It will be incorporated into the permit by September 30, 2007.

Cal/EPA Comments to July 9, 2007, Corrective Action: *This deficiency remains outstanding. On the next progress report due on October 9, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including a copy of the revised permit.*

CUPA Corrective Action (October 10, 2007): [(Taken from an email from Mr. Nelson Kerr, the Hazardous Waster Operations Officer of Long Beach City CUPA.) The tank identification number was missing. This has been addressed by adding the number of tanks on the permitted site to the permit text. A pdf copy of the permit is attached for your review.]

Cal/EPA Comments to October 10, 2007, Corrective Action: *The CUPA has satisfactorily corrected this deficiency. No further update is required. However, the CUPA is strongly encouraged to ensure that the monitoring plan and Unified Program*

Consolidated Form (UPCF) UST forms showing the assigned tank number(s) (assigned by either facility owner or CUPA) are onsite at each UST facility.

- 4. Deficiency:** The CUPA is not inspecting all the businesses subject to the business plan program for compliance at least once every three years.

Preliminary Corrective Action by March 16, 2007: The CUPA will develop a strategy and begin implementation of a plan to ensure adherence to the triennial inspection frequency requirement.

CUPA Corrective Action (April 9, 2007): The BEP section of Fire Prevention maintains records and manages program specific compliance for approximately 1,000 businesses in Long Beach. Program responsibilities include [the] review of Business Emergency plans, maintenance of chemical inventory information, notice of violation, and inspection of regulated businesses. Implementation of the program is mandated under Fire Code and State and Municipal code[s]. The program assists firefighters and other first responders during emergency responses by providing advanced information regarding the location of potentially dangerous chemicals. Public safety is also enhanced by business owner/operator awareness of the hazards and requirements associated with hazardous materials storage. Currently, only one staff member is assigned to this program. An adequate complement of staffing is critical to handle responsibilities of the program. The current staffing of one individual to perform inspections as well as perform all other auxiliary functions is not realistic or functional.

In order to address this deficiency, the following recommendations are proposed:

1. Fee analysis needs to be conducted to determine adequate fee schedule to cover operating cost of the program
2. Addition of one full time inspector to inspect regulated facilities [and]
3. Addition of 0.5 FTE clerical support.

The deficiencies listed in the Deficiency Status Report regarding the BEP program (No. 4, 5 and 6) will be addressed by increasing staffing levels. For FY 07/08, CUPA administrators are proposing a budget enhancement of one FTE BEP inspector and 0.5 FTE clerical support position (the other 0.5 FTE will be assigned to the UST program). CUPA administrators are currently conducting a budgetary analysis to determine the appropriate fee structures to sustain the BEP program. These fee increases will be submitted as part of the City's budget process. Funds will only be increased in sufficient amounts to cover the cost of maintaining the program. The new budget will become effective as of October 1, 2007.

One additional full time inspector and 0.5 FTE dedicated clerical position will bring the BEP program to an acceptable level of performance. With the addition of a second field inspector/specialist, there will be sufficient staffing to perform inspections at the required frequency, conduct plan reviews, perform follow up inspections and conduct enforcement actions. The additional 0.5 FTE clerical position will send monthly mail

outs to businesses, maintain files and forms and perform data entry for chemical inventory. The addition of the 0.5 FTE clerical position will allow BEP inspectors to spend more time performing inspections and enforcement actions than previously possible, this will increase the efficiency of the program and increase inspection productivity to an acceptable level.

In addition, improved education of area businesses and monthly reminder correspondence will assist the BEP program. At present, many businesses are uncertain of the requirements and uninspired to comply independently. An increase in staffing to keep up with routine mail correspondence, business inspections, and written follow-up will substantially improve business compliance. In addition, inspection records, forms, plans and chemical inventory submittals will rapidly reach the file system.

Cal/EPA & OES Comments to April 9, 2007, Corrective Action: *Cal/EPA & OES appreciate the efforts that the CUPA have initiated towards correcting this deficiency. On the next status update, due on **July 9, 2007**, please update Cal/EPA on the status of the CUPA's plan (on their three proposed recommendations) toward correcting this deficiency, including the total number of HMRRP facilities, the number of business plan program inspectors, the monthly inspection goals for each inspector, and the number of routine (compliance) inspections conducted for the first 11 months into this fiscal year or the entire FY 06/07 period.*

CUPA Corrective Action (July 9, 2007): The BEP section of Fire Prevention maintains records and manages program specific compliance for approximately 1,000 businesses in Long Beach. Program responsibilities include review of Business Emergency plans, maintenance of chemical inventory information, notice of violation, and inspection of regulated businesses. Implementation of the program is mandated under Fire Code and State and Municipal code. The program assists firefighters and other first responders during emergency responses by providing advanced information regarding the location of potentially dangerous chemicals. Public safety is also enhanced by business owner/operator awareness of the hazards and requirements associated with hazardous materials storage.

Past Staffing Levels-

Prior to the CUPA's corrective action plan, only one staff member was assigned to this program. An adequate complement of staffing is critical to handle responsibilities of the program. The prior staffing of one individual to perform inspections as well as perform all other auxiliary functions was not realistic or functional.

New Staffing Levels-

The deficiencies listed in the Deficiency Status Report regarding the BEP program (No. 4, 5, and 6) will be addressed by increasing staffing levels. The following recommendations have been proposed and are currently being implemented:

1. The 07/08 CUPA Budget has been submitted to the Long Beach City Manager's Office. The 07/08 budget contains a fee increase of 60% in the BEP Program that will support the addition of one FTE.
2. In order to expedite the inspections in the BEP Program, the four (4) Health Department Hazardous Materials Specialists district inspectors will perform BEP inspections in their respective districts. All inspection forms and reports will be submitted to the Long Beach Fire Department for their records.
3. In order to assist the Long Beach Fire Department with clerical functions, the Health Department's Bureau of Environmental Health Secretary will be assisting the Long Beach Fire Department with monthly mail outs. The mail outs will advise businesses subject to the BEP program of the annual requirement to update their hazardous materials inventory or certify that there is no change in inventory. This clerical assistance will also allow BEP Fire Department personnel the opportunity to perform additional inspections.

The addition of one FTE dedicated to the BEP Program and the additional clerical assistance will allow inspectors to spend more time performing inspections and enforcement actions than previously possible, this will increase the efficiency of the program and increase inspection productivity to an acceptable level. The new budget will become effective as of October 1, 2007, however additional inspectors and clerical support will be added prior to that date.

HMRRP Inventory and Inspection Goals-

- Number of Facilities in the BEP Program-989
- Number of BEP Program Inspectors-2 FTEs One FTE from Long Beach Fire Department and four (4) 0.25 FTEs from Long Beach Health Department, Hazardous Materials Division.
- Number of Monthly Inspections Required-27.5 (14 per FTE)
- Number of Monthly Inspections per Inspector-14 for the Long Beach Fire Inspector and four (4) per month for each of the four (4) district inspectors from the Health Department.
- Total Number of BEP Inspections-165. The number of inspections for FY 06/07 will be submitted no later than September 30, 2007.

Implementation Status/Milestones-

The Long Beach CUPA is in the implementation process for the plan outlined above. See below for a list of implementation milestones:

- May 7, 2007-Long Beach Fire Department and Health Department agree to plan.
- May 14-A spreadsheet for tracking inspections is developed.
- June 12, 2007-Fred Mehr from State Office of Emergency Services (OES) provides training to Health Department and Fire Department Staff on the State's Business Emergency Plan Program.
- June 21, 2007-Long Beach Fire Department, Hazardous Materials Specialist, Eric Hodder provides training to Health/HazMat Staff on Long Beach Fire Department's

BEP Program. New triplicate forms are developed and ordered to provide for better record keeping.

- July 2, 2007-CUPA Budget submitted to Financial Management to take effect 10/1/07.
- July 9, 2007-List of BEP Facilities is obtained for each Health/HazMat district inspector.
- July 23, 2007-Health/HazMat inspectors scheduled to commence performing BEP Program inspections.

The addition of one FTE inspector and the clerical assistance provided by the Health Department will move the BEP Program to an acceptable level of performance. The addition of a second field inspector/specialist, will be sufficient to perform inspections at the required frequency, conduct plan reviews, perform follow up inspections and conduct enforcement actions. The clerical assistance will allow for monthly mail outs to businesses and for the maintenance of files and forms and data entry for chemical inventory. In addition, improved education of area businesses and monthly reminder correspondence will assist the BEP program. At present, many businesses are uncertain of the requirements and uninspired to comply independently. An increase in staffing to keep up with routine mail correspondence, business inspections, and written follow-up will substantially improve business compliance.

Cal/EPA & OES Comments to July 9, 2007, Corrective Action: *Cal/EPA & OES appreciate the efforts that the CUPA have made toward addressing this deficiency. However, this deficiency remains a correction in progress. Approximately 17% HMBP facilities were inspected during FY 06/07, which falls below the mandated triennial inspection frequency. On the next progress report due on October 9, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including the status of the CUPA's implementation plan, the total number of business plan facilities, and the number of routine (compliance) inspections conducted for the first three months into the current FY 07/08 period (July 1 to September 30, 2007).*

CUPA Corrective Action (October 10, 2007): The BEP section of Fire Prevention maintains records and manages program specific compliance for approximately 1000 businesses in Long Beach. Program responsibilities include review of Business Emergency plans, maintenance of chemical inventory information, notice of violation, and inspection of regulated businesses. Implementation of the program is mandated under Fire Code and State and Municipal code. The program assists firefighters and other first responders during emergency responses by providing advanced information regarding the location of potentially dangerous chemicals. Public safety is also enhanced by business owner/operator awareness of the hazards and requirements associated with hazardous materials storage.

Past Staffing Levels-

Prior to the CUPA's corrective action plan, only one staff member was assigned to this program. An adequate complement of staffing is critical to handle responsibilities of the

program. The prior staffing of one individual to perform inspections as well as perform all other auxiliary functions was not realistic or functional.

New Staffing Levels-

The deficiencies listed in the Deficiency Status Report regarding the BEP program (No. 4, 5 and 6) have been addressed by increasing staffing levels. The following recommendations have been proposed and implemented:

1. The 07/08 CUPA Budget with appropriate budgetary enhancements has been submitted and approved by the Long Beach City Manager's Office. The Long Beach City Council approved the budget on September 11, 2007. The 07/08 budget contains a fee increase of 60% in the BEP Program that will support the addition of one FTE.
2. In order to expedite the inspections in the BEP Program, the four (4) Health Department Hazardous Materials Specialists district inspectors have been performing BEP inspections in their respective districts. All inspection forms and reports are maintained at the Long Beach Fire Department.
3. The Health Department's Bureau of Environmental Health Secretary has been assisting the Long Beach Fire Department with monthly mail outs. The mail outs are advisories for businesses subject to the BEP program, reminding them of the annual requirement to update their hazardous materials inventory or certify that there is no change in inventory. This clerical assistance has allowed BEP Fire and Health Department personnel the opportunity to perform additional inspections.

The addition of one FTE dedicated to the BEP Program and the additional clerical assistance has allowed inspectors to spend more time performing inspections and enforcement actions than previously possible, this has resulted in an increase in productivity and efficiency in the program to an acceptable level. The new budget became effective as of October 1, 2007.

HMRRP Inventory and Inspection Goals-

- Number of Facilities in the BEP Program-989
- Number of BEP Program Inspectors-2 FTEs One FTE from Long Beach Fire Department and four (4) 0.25 FTEs from Long Beach Health Department, Hazardous Materials Division.
- Number of Monthly Inspections Required-27.5 (14 per FTE)
- Number of Monthly Inspections per Inspector-14 for the Long Beach Fire Inspector and four (4) per month for each of the four (4) district inspectors from the Health Department.
- Total Number of BEP Inspections-195 (est.) The number of inspections for FY 06/07 will be submitted no later than September 30, 2007.

Implementation Status/Milestones-

The Long Beach CUPA is in the implementation process for the plan outlined above. See below for a list of implementation milestones:

- May 7, 2007-Long Beach Fire Department and Health Department agree to plan.
- May 14-A spreadsheet for tracking inspections is developed.
- June 12, 2007-Fred Mehr from State Office of Emergency Services (OES) provides training to Health Department and Fire Department Staff on the State's Business Emergency Plan Program.
- June 21, 2007-Long Beach Fire Department, Hazardous Materials Specialist, Eric Hodder provides training to Health/HazMat Staff on Long Beach Fire Department's BEP Program. New triplicate forms are developed and ordered to provide for better record keeping.
- July 2, 2007-CUPA Budget submitted to Financial Management to take effect 10/1/07.
- July 9, 2007-List of BEP Facilities is obtained for each Health/HazMat district inspector.
- July 23, 2007-Health/HazMat inspectors commenced performing BEP Program inspections.
- August 27, 2007-Health/HazMat inspectors performed 34 inspections in five (5) weeks.
- September 11, 2007- Long Beach City Council Approves Budget Enhancements for CUPA (FY 07/08).
- October 5, 2007-Health/HazMat inspectors performed 87 BEP inspections in 11 weeks.

Projected Inspection Productivity Level:

Health HazMat inspectors (1.0 FTE) performed 87 BEP inspections in 11 weeks. This projects out to roughly 411 inspections per year. When this number is combined with the Fire Department's 165 inspections per year (based on FY 06/07), the total projected number of inspections is 576. There are 989 facilities in the program with a required inspection frequency of once every three years. To achieve this inspection frequency, 329 facilities must be inspected every year. With the implementation of the above described plan, the Long Beach CUPA is confident it will meet that requirement.

Cal/EPA Comments to October 10, 2007, Corrective Action: *Cal/EPA appreciates the efforts the CUPA has made toward correcting this deficiency. The CUPA's budget increase has been recently approved and additional staff resources have also been allocated to the business plan program. Although the CUPA inspected 16.7% of its business plan facilities during FY 06/07, the CUPA has inspected at least 8.8% within the first quarter of FY 07/08. Therefore, if the CUPA continues to implement their action plan and maintain an inspection rate of at least 83 or more facility inspections per quarter (assuming the number of business plan facilities remain constant at 989), then this deficiency will be considered corrected. On the next progress report, due on January 7, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of business plan facilities and the actual number of routine (compliance) inspections conducted for the first half of this fiscal year (July 1 to December 31, 2007).*

CUPA Corrective Action (January 9, 2008): *The BEP section of Fire Prevention maintains records and manages program specific compliance for approximately 1000 businesses in Long Beach. Program responsibilities include review of Business Emergency plans, maintenance of chemical inventory information, notice of violation, and inspection of regulated businesses. Implementation of the program is mandated under Fire Code and State and Municipal code. The program assists firefighters and other first responders during emergency responses by providing advanced information regarding the location of potentially dangerous chemicals. Public safety is also enhanced by business owner/operator awareness of the hazards and requirements associated with hazardous materials storage.*

Past Staffing Levels-

Prior to the CUPA's corrective action plan, only one staff member was assigned to this program. An adequate complement of staffing is critical to handle responsibilities of the program. The prior staffing of one individual to perform inspections as well as perform all other auxiliary functions was not realistic or functional.

New Staffing Levels-

The deficiencies listed in the Deficiency Status Report regarding the BEP program (No. 4, 5 and 6) have been addressed by increasing staffing levels. The following recommendations have been proposed and implemented:

- 1. The 07/08 CUPA Budget with appropriate budgetary enhancements has been submitted and approved by the Long Beach City Manager's Office. The Long Beach City Council approved the budget on September 11, 2007. The 07/08 budget contains a fee increase of 60% in the BEP Program that will support the addition of one FTE.*
- 2. In order to expedite the inspections in the BEP Program, the four (4) Health Department Hazardous Materials Specialists district inspectors have been performing BEP inspections in their respective districts. All inspection forms and reports are maintained at the Long Beach Fire Department.*
- 3. The Health Department's Bureau of Environmental Health Secretary has been assisting the Long Beach Fire Department with monthly mail outs. The mail outs are advisories for businesses subject to the BEP program, reminding them of the annual requirement to update their hazardous materials inventory or certify that there is no change in inventory. This clerical assistance has allowed BEP Fire and Health Department personnel the opportunity to perform additional inspections.*

The addition of one FTE dedicated to the BEP Program and the additional clerical assistance ha[ve] allowed inspectors to spend more time performing inspections and enforcement actions than previously possible. [T]his has resulted in an increase in productivity and efficiency in the program to an acceptable level. The new budget became effective as of October 1, 2007.

HMRRP Inventory and Inspection Goals-

- Number of Facilities in the BEP Program-989
- Number of BEP Program Inspectors-2 FTEs One FTE from Long Beach Fire Department and four (4) 0.25 FTEs from Long Beach Health Department, Hazardous Materials Division.
- Number of Monthly Inspections Required-27.5 (14 per FTE)
- Number of Monthly Inspections per Inspector-14 for the Long Beach Fire Inspector and four (4) per month for each of the four (4) district inspectors from the Health Department.
- Total Number of BEP Inspections-195 (est.) [for FY06/07] The number of inspections for FY [07/08] will be submitted no later than September 30, 200[8].

Implementation Status/Milestones-

The Long Beach CUPA is in the implementation process for the plan outlined above. See below for a list of implementation milestones:

- *May 7, 2007-Long Beach Fire Department and Health Department agree to plan.*
- *May 14-A spreadsheet for tracking inspections is developed.*
- *June 12, 2007-Fred Mehr from State Office of Emergency Services (OES) provides training to Health Department and Fire Department Staff on the State's Business Emergency Plan Program.*
- *June 21, 2007-Long Beach Fire Department, Hazardous Materials Specialist, Eric Hodder provides training to Health/HazMat Staff on Long Beach Fire Department's BEP Program. New triplicate forms are developed and ordered to provide for better record keeping.*
- *July 2, 2007-CUPA Budget submitted to Financial Management to take effect 10/1/07.*
- *July 9, 2007-List of BEP Facilities is obtained for each Health/HazMat district inspector.*
- *July 23, 2007-Health/HazMat inspectors commenced performing BEP Program inspections.*
- *August 27, 2007-Health/HazMat inspectors performed 34 inspections in five (5) weeks.*
- *September 11, 2007- Long Beach City Council Approves Budget Enhancements for CUPA (FY 07/08).*
- *October 5, 2007-Health/HazMat inspectors performed 87 BEP inspections in 11 weeks.*
- *January 9, 2008 -Health/HazMat inspectors performed 229 BEP inspections in 26 weeks.*

Projected Inspection Productivity Level:

The Long Beach CUPA is on course to exceed the BEP inspection frequency requirement of one routine inspection every three years, i.e. 329 inspections/year. Health HazMat inspectors (1.0 FTE) performed 229 BEP inspections in 26 weeks. This

projects out to roughly 458 inspections per year. When this number is combined with the Fire Department's 165 inspections per year (based on FY 06/07), the total projected number of inspections is 623. There are 989 facilities in the program with a required inspection frequency of once every three years. To achieve this inspection frequency, 329 facilities must be inspected every year. With the continued implementation of the above described plan, the Long Beach CUPA is confident it will meet that requirement.

Cal/EPA & OES Comments to January 9, 2008, Corrective Action: *The CUPA has made tremendous progress toward correcting this deficiency. However, this deficiency remains a correction in progress. Approximately 23% of their HMBP facilities were inspected during the first half of the current fiscal year. In addition, the number of inspections conducted does not include the inspections done by the Long Beach City Fire Department. If the CUPA continues to inspect at the current rate, the CUPA will exceed the mandated triennial inspection frequency for this fiscal year and correct this deficiency. On the next progress report due on April 4, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including the status of the CUPA's implementation plan, the total number of business plan facilities, and the number of routine (compliance) inspections conducted for the first three quarters into the current FY 07/08 period (July 1 to March 31, 2008).*

5. **Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to annually submit their hazardous material inventory or certification statement of no change.

Preliminary Corrective Action by March 16, 2007: The CUPA will develop a strategy and begin implementation of a plan to ensure all regulated businesses annually submit their hazardous material inventory or certification statement.

CUPA Corrective Action (April 9, 2007): See [deficiency] number 4.

Cal/EPA & OES Comments to April 9, 2007, Corrective Action: *Cal/EPA & OES appreciate the efforts that the CUPA have initiated towards correcting this deficiency. On the next status update, due on **July 9, 2007**, please update Cal/EPA on the status of the CUPA's plan toward correcting this deficiency.*

CUPA Corrective Action (July 9, 2007): See [deficiency] number 4.

Cal/EPA & OES Comments to July 9, 2007, Corrective Action: *This deficiency remains a correction in progress. On the next progress report due on October 9, 2007, please update Cal/EPA on the CUPA's progress toward correcting this deficiency.*

CUPA Corrective Action (October 10, 2007): See [deficiency] Number 4.

Cal/EPA Comments to October 10, 2007, Corrective Action: *See Cal/EPA's response to deficiency 4 submitted on October 10, 2007.*

CUPA Corrective Action (January 9, 2008): See [deficiency] Number 4.

Cal/EPA Comments to January 9, 2008, Corrective Action: *This deficiency remains a correction in progress. See Cal/EPA's response to deficiency 4 submitted on January 9, 2008.*

6. **Deficiency:** The CUPA is not ensuring that businesses are certifying that, at least once every three years, they are reviewing their emergency procedures portion of the business plans and that necessary changes are being made to the plan.

Preliminary Corrective Action by April 13, 2007: The CUPA will develop a strategy and begin implementation of a plan to ensure that businesses are reviewing their business plans and necessary changes are made.

CUPA Corrective Action (April 9, 2007): See [deficiency] number 4.

Cal/EPA & OES Comments to April 9, 2007, Corrective Action: *Cal/EPA & OES appreciate the efforts that the CUPA has initiated towards correcting this deficiency. On the next status update, due on July 9, 2007, please update Cal/EPA on the status of the CUPA's plan toward correcting this deficiency.*

CUPA Corrective Action (July 9, 2007): See [deficiency] Number 4.

Cal/EPA & OES Comments to July 9, 2007, Corrective Action: *This deficiency remains a correction in progress. On the next progress report due on October 9, 2007, please update Cal/EPA on the CUPA's progress toward correcting this deficiency.*

CUPA Corrective Action (October 10, 2007): See [deficiency] Number 4.

Cal/EPA Comments to October 10, 2007, Corrective Action: *See Cal/EPA's response to comments for deficiency 4 submitted on October 10, 2007.*

CUPA Corrective Action (January 9, 2008): See [deficiency] Number 4.

Cal/EPA Comments to January 9, 2008, Corrective Action: *This deficiency remains a correction in progress. See Cal/EPA's response to deficiency 4 submitted on January 9, 2008.*

7. **Deficiency:** The CUPA has not established a CalARP dispute resolution procedure.

Preliminary Corrective Action by April 13, 2007: The CUPA will establish a CalARP dispute resolution procedure.

CUPA Corrective Action (April 9, 2007): The CalARP dispute resolution procedure has been added to the CalARP policy and procedure. The procedure is attached for your review.

Cal/EPA & OES Comments to April 9, 2007, Corrective Action: OES accepts this deficiency as corrected. No further update is required.